

## **REMARKS**

Claims 22-44 were pending in the application at the time of examination. Claims 22, 29, 33, 40 and 44 have been amended. Applicant respectfully requests reconsideration of the rejections set forth in the Office Action dated January 16, 2007 in view of the preceding amendments and the following remarks.

### ***Rejections Under 35 U.S.C. 112***

The Examiner rejected claims 29-32 and 40-43 under 35 USC 112, first paragraph, as based on a disclosure, which is not enabling. Claims 29 and 40 have been amended for purposes of clarification to expedite the prosecution of the present application. Withdraw of the rejections under 35 U.S.C. 112 is respectfully requested.

### ***Rejections Under 35 U.S.C. 103(a)***

The Examiner rejected claims 22-28, 33-39 and 44 under 35 U.S.C. 103(a) as being unpatentable over Meier et al. (U.S. Patent No. 5,295,154) in view of McGuire et al. (U.S. Patent No. 6,151,326). These rejections are respectfully traversed. It is respectfully submitted that claim 22 recites a combination of limitations not taught nor reasonably suggested by the art of record.

Claim 22 has been amended for purposes of clarification to specifically recite “a method for handling a communication in a network of nodes, each node having an associated identification that is unique from other identifications in the network of nodes.”

Meier describes a method for routing data in a radio data communication system into an optimal spanning tree network (See Abstract).

Page 4 of the present Office Action asserts that Meier discloses, “receiving, at a first node (gateway or root node, item 20 of Fig 1), a communication (HELLO/LISTEN/DETACH) from a second node (bridge, item 44 of Fig 1, col 2, lines 45-58), wherein the communication includes an identification (node ID, col 9, lines 1-10); determining at the first node, whether the identification included (distance information) in the communication is closer to, equidistant from, or further from a predetermined value than an identification associated with the first node

(col 10, lines 1-68); if the identification included in the communication is closer to the predetermined value (CHANGE-THRESHOLD level) than the identification associated with the first node, sending, from the first node to a third node (bridge, item 50 of Fig 1), a communication including the identification associated with the first node...”

Firstly, the perceived reading of “identification” evidenced in the Office Action is confusing. More particularly, it appears as though the Examiner is using both the “node ID” and “distance information” from Meier to teach the identification recited in claim 22. Secondly, it is respectfully submitted that if the CHANGE\_THRESHOLD level described in Meier is read as representing the “predetermined value” (now “predetermined identification value”) recited in amended claim 22, then Meier fails to teach or reasonably suggest “determining, at the first node, whether the identification included in the communication is closer to, equidistant from, or further from a predetermined identification value than an identification associated with the first node.”

As to the first point, Applicant respectfully requests that the Examiner clarify whether the Examiner is equating “node ID” or “distance information” with “identification.” Nevertheless, no matter which interpretation is selected, the rejection is improper for at least the reason that Meier fails to teach or reasonably suggest “determining, at the first node, whether the identification included in the communication is closer to, equidistant from, or further from a predetermined identification value than an identification associated with the first node.” More particularly, if it is assumed that node ID is being equated with identification, then it is respectfully submitted that nowhere does Meier teach nor suggest making comparisons of node IDs, let alone making a comparison at one node between that node’s ID, a node ID sent to that node, and a predetermined node ID value. Without a comparison of node IDs, this element cannot possibly be equated with the identification recited in claim 22.

If, on the other hand, the Examiner is equating “distance information” with identification, then it is respectfully submitted that distance information is not a unique identification as two different nodes may be equidistant from a host node. In view of the foregoing, a node cannot be uniquely represented with distance information, and thus, this interpretation (i.e. equating distance information with identification) is improper.

As to the second point, the Applicant respectfully disagrees with the reading of Meier’s CHANGE\_THRESHOLD level as the predetermined identification value recited in amended claim 22. The CHANGE\_THRESHOLD level is described in column 4 lines 35-47 of Meier,

portions of which recite, “Attached bridges may also respond to HELLO messages. If a HELLO message indicates that a much closer route to the root node is available, the attached bridge sends a DETACH packet to its old parent and an ATTACH.request packet to the closer node. To avoid instability in the system and to avoid overloading any given node, an attached bridge would only respond to a HELLO message if the hop count in a HELLO packet is greater than a certain threshold value, CHANGE\_THRESHOLD.” Thus, the CHANGE\_THRESHOLD level refers to a hop count (i.e. the number of legs traversed by a packet between the child node and the root node). As such, the equation of CHANGE\_THRESHOLD level and predetermined identification value is improper. More particularly, if node ID is read as the identification recited in claim 22, then it is respectfully submitted that the node ID, as defined in Meier, cannot be logically compared to a hop count. Second, even if distance information is read as the identification, it is respectfully submitted that, as described above, distance information is not unique, and hence this reading of Meier is also improper. Furthermore, whereas claim 22 requires determining which identification is closer to the predetermined identification value, it is respectfully submitted that Meier is not attempting to determine which node is closer to the CHANGE\_THRESHOLD level. Rather, the CHANGE\_THRESHOLD level is simply a value above which an action occurs, and below which no action occurs.

Thus, while the present Office Action is unclear as to which of these interpretations of identification (node ID or distance information) the Examiner is using to reject claim 22, it is respectfully submitted that despite the interpretation, Meier fails to teach or reasonably suggest the combination of limitations recited in claim 22.

The method described by McGuire is unable to cure the deficiencies of Meier. In view of the foregoing, it is respectfully submitted that claim 22 is patentably distinct from the cited references and that the outstanding rejection of claim 22 be withdrawn.

Independent claims 33 and 44 recite limitations similar in scope to those recited in claim 22, albeit as apparatuses, and thus, are respectfully submitted to be patentably distinct from the art of record for at least similar reasons to those discussed above with respect to claim 22.

Dependent claims 23-28 and 34-39 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claims, upon which they ultimately depend. Additionally, these dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims

23-28 and 34-39 are not anticipated or made obvious by the prior art and/or the official notice outlined in the Office Action.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER LLP

/Marc S. Hanish/  
Marc S. Hanish  
Reg. No. 42,626

P.O. Box 70250  
Oakland, CA 94612-0250  
408-255-8001